

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 6, 2023
7:00 P.M.
IN-PERSON & VIRTUAL**

The Durham City Council met in the Council Chambers at 101 City Hall Plaza and via zoom at the above time and date with the following members present: Mayor O'Neal, Mayor Pro Tempore Middleton Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Monique Holsey- Hyman and Leonardo Williams. Excused Absence: Council Member Jillian Johnson.

Also present: City Manager Wanda Page, City Attorney Kim Rehberg and City Clerk Diana Schreiber.

[CALL TO ORDER]

Mayor O'Neal called the meeting to order and welcomed those in attendance in the Chamber and virtually.

[MOMENT OF SILENT MEDITATION]

Mayor O'Neal conducted the moment of silence.

[PLEDGE OF ALLEGIANCE TO THE FLAG]

Council Member Freeman led the Pledge of Allegiance to the Flag.

[CEREMONIAL ITEMS]

Mayor Pro Tempore Middleton read the Arbor Day Proclamation into the record and presented the item to Dan Hickey, General Services and Tania Dautlick, Keep Durham Beautiful. The recipients expressed appreciation for the honor and made remarks.

Council Member Freeman read the Women's History Month Proclamation into the record; presented the item to A. Kirsten Mullen, local folklorist of Art and History. Ms. Mullen appreciated the honor; made remarks expressing her knowledge of Durham; and focused her remarks on a wealth, racial inequity initiative called Durham One Thousand.

Council Member Holsey-Hyman read the Social Work Month Proclamation into the record; and presented the item to Abena Bediako and Leigh Mazur, HEARTS Team; Valerie Arendt, Executive Director, National Association of Social Workers NC Chapter, and Dr. Blenda Crayton, Chair/MSW Program Director, NC Central University. The recipients made remarks of appreciation.

Council Member Williams read the Fortitude Month Proclamation into the record.

[ANNOUNCEMENTS BY COUNCIL]

Mayor O’Neal appreciated the Proclamations and those receiving the honors and asked if Council had announcements.

Council Member Holsey-Hyman announced a request for an excused absence on March 20, 2023 due to professional travel.

MOTION by Mayor O’Neal, seconded by Council Member Caballero, to excuse Council Member Holsey-Hyman from the March 20, 2023 Council Meeting at 7:32 p.m. was approved by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

Council Member Williams sent wishes to his son Isaiah for his birthday.

Council Member Freeman sent wishes to her son for his birthday; appreciated the speakers to the Women’s History Proclamation and their advocacy for persons in poverty; and announced the March 16, 2023 date for the continuation of the real estate Deep Dive.

Mayor O’Neal recognized a young man at the Hayti Heritage Center event that celebrated the African-American firefighter unit, Excelsior Group Hook and Ladder Company and Firefighters of Black Wall Street, and recognized the Raleigh firefighter and researcher Chas Moore in the audience.

[PRIORITY ITEMS OF THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]

City Manager Page announced two priority items:
Item 12) Affordable Housing Deep Dive Presentation by Durham Regional Association of Realtors; a presentation was made at the Feb. 23, 2023 Work Session and additional information has been provided under priority items.
Item 17) Consolidated Annexation – 4109 Endor Lane; Attachment H has been replaced.

City Attorney Rehberg and City Clerk Schreiber did not have any priority items.

[CONSENT AGENDA]

SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION – APPOINTMENT (ITEM 1/ PR 16050)

MOTION by Council Member Williams, seconded by Council Member Freeman, to appoint Alejandro Ibrahim to the Durham City-County Appearance Commission with

the term to expire on April 1, 2025 was approved at 7:40 p.m. by the following vote:
 Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

SUBJECT: JANUARY 2023 BID REPORT (ITEM 2/ PR 16047)

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive a report on the bids that were acted upon by the City Manager in January 2023 was approved at 7:40 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

1. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with a 2024 Mack MD-7 42R knuckle boom with trailer tag axle to include standard contract specs and city of Durham specs.

Comments: Price in accordance with NC State Contract No. #070E.

Opened: 1/04/2023

Bidders:

Vendor	Qty	Price	Total Cost
Transource Inc Kernersville, NC	1	\$ 277,256.75	\$ 277,256.75

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	7	6	1
Professional	0	0	0
Technical	0	0	0
Clerical	8	5	3
Labor	40	39	1

Total	55	50	5
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UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	6	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	5	0	0	0	0
Labor	31	3	5	0	0
Total	42	3	5	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	1	0	0	0
Labor	1	0	0	0	0
Total	4	1	0	0	0

2. **Bid:** Road Equipment

Purpose of Bid: Provides the Fleet Management Department with an Elgin sweeper - regen x regenerative air sweeper mounted on a freightliner M2-106 chassis.

Comments: Price in accordance with NC Sherriff’s Association Contract No. #22-06-0426R.

Opened: 1/12/2023

Bidders:

Vendor	Qty	Price	Total Cost
Joe Johnson Equipment LLC Monroe, NC	1	\$ 274,950.00	\$ 274,950.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	0	1
Professional	19	14	5
Technical	0	0	0
Clerical	0	0	0
Labor	1	1	0
Total	21	15	6

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	13	0	0	1	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	1	0	0	0
Total	13	1	0	1	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	5	0	0	0	0
Technical	0	0	0	0	0

Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	6	0	0	0	0

3. **Bid:** Road Equipment

Purpose of Bid: Provides the Fleet Management Department with a new caterpillar 289D3 cab compact track loader, CAT 80in multi-purpose bucket, CAT 80in industrial grapple bucket, CAT A68 auger high flow, CAT 12in & 18in auger bits, CAT BR320 brush cutter, CAT turbo debris guard kit & CAT debris kit, #464-9904 bucket-HD, 24", 4.2ft, 3ft width 619mm (24"), heated cap 0.12M3 (0.15YD3) incl 4 x j200 for use with pin-on, requires bucket pins; bucket pins included in price.

Comments: Price in accordance with NC State Contract No. # 760H.

Opened: 12/20/2022

Bidders:

Vendor	Qty	Price	Total Cost
Gregory Poole Equipment Co Raleigh, NC	1	\$ 144,746.78	\$ 144,746.78

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	0	2
Professional	22	22	0
Technical	9	8	1
Clerical	82	59	23
Labor	307	273	34
Total	422	362	60

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific	Indian or Alaska

				Islander	Native
Project Mgr.	0	0	0	0	0
Professional	22	0	0	0	0
Technical	8	0	0	0	0
Clerical	57	0	2	0	0
Labor	262	2	8	1	0
Total	349	2	10	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	0	0	0	0	0
Technical	1	0	0	0	0
Clerical	22	1	0	0	0
Labor	34	0	0	0	0
Total	59	1	0	0	0

4. **Bid:** Hardware Equipment

Purpose of Bid: Provides the Police Department with fifty (50) Panasonic Toughbook FZ-55 14" core I5-1145G7 16GB ram, CDW # 7057471.

Comments: Price in accordance with National IPA Technology Solutions Contract No. #2018011-01.

Opened: 12/21/2022

Bidders:

Vendor	Qty	Price	Total Cost
CDW Government Inc Vernon Hills, IL	1	\$ 136,500.00	\$ 136,500.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	1	1
Professional	37	22	15
Technical	0	0	0
Clerical	165	128	37
Labor	0	0	0
Total	204	151	53

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	20	0	0	2	0
Technical	0	0	0	0	0
Clerical	121	3	0	4	0
Labor	0	0	0	0	0
Total	142	3	0	6	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	10	5	0	0	0
Technical	0	0	0	0	0
Clerical	23	10	0	4	0
Labor	0	0	0	0	0
Total	34	15	0	4	0

5. **Bid:** Garbage Containers

Purpose of Bid: Provides the Parks & Recreation Department with 35-gallon & 65-gallon garbage carts.

Comments: Price is in accordance with City of Durham Sole Source guidelines NC #143-129 (e) (6).

Opened: 1/17/2023

Bidders:

Vendor	Qty	Price	Total Cost
SECURR Ontario, CA	1	\$ 88,047.00	\$ 88,047.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	8	5	3
Technical	0	0	0
Clerical	0	0	0
Labor	22	22	0
Total	30	27	3

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	3	0	2	0	0
Technical	0	0	0	0	0

Clerical	0	0	0	0	0
Labor	0	0	22	0	0
Total	3	0	24	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	2	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	1	0	2	0	0

6. **Bid:** Hazardous Material Equipment

Purpose of Bid: Provides the Police Department with 80 units of Penco heavy duty open type clipper steel shelving – various sizes.

Comments: Price in accordance with GSA Contract No. #GS-27F-001GA.

Opened: 12/28/2022

Bidders:

Vendor	Qty	Price	Total Cost
Penco Products Inc Greenville, NC	1	\$ 63,329.54	\$ 63,329.54

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0

Professional	11	10	1
Technical	0	0	0
Clerical	47	10	37
Labor	140	124	16
Total	198	144	54

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	10	0	0	0	0
Technical	0	0	0	0	0
Clerical	6	4	0	0	0
Labor	28	87	9	0	0
Total	44	91	9	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	12	25	0	0	0
Labor	6	10	0	0	0
Total	19	35	0	0	0

7. **Bid:** Fire Equipment

Purpose of Bid: Provides the Fire Operations Department with item 272889000-9 Hurst E3 S 789 cutter 9AH package to include S-789 cutter, (2) 9AH batteries (1) 110V charger, item 271855000-9 Hurst E3 SP 555 spreader 9AH package to include SP-555 spreader (2) 9 AH batteries and (1) 110V charger, item 274885000-9. Hurst E3 R 521 ram 9AH package to include R 521 ram (2) 9AH batteries (1) 110V charger, and item 274886000-9. Hurst E3 R 522 ram 9AH package to include R 522 ram (2) 9AH batteries (1) 110V charger.

Comments: Multiple quotes obtained.

Opened: 1/19/2023

Bidders:

Vendor	Qty	Price	Total Cost
Newtons Fire and Safety Graham, NC	1	\$ 35,840.00	\$ 35,840.00
Municipal Emergency Services	1	\$ 40,427.00	\$ 40,427.00

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	2	0
Professional	14	11	3
Technical	7	7	0
Clerical	1	0	1
Labor	1	1	0
Total	25	21	4

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	11	0	0	0	0
Technical	6	1	0	0	0
Clerical	0	0	0	0	0
Labor	1	0	0	0	0
Total	20	1	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	3	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	4	0	0	0	0

8. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with three (3) 2023 BMW R 1250 RT motorcycle as per City of Durham specs (night black #716) for the police department motors unit.

Comments: Multiple quotes obtained.

Opened: 11/29/2022

Bidders:

Vendor	Qty	Price	Total Cost
Garcia Motorrad LLC Raleigh, NC	3	\$ 25,889.80	\$ 77,669.40
Eurosport Asheville Asheville, NC	3	\$ 26,919.84	\$ 80,759.52

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	4	4	0
Technical	0	0	0
Clerical	1	1	0

Labor	4	4	0
Total	10	10	0

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	4	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	4	0	0	0	0
Total	10	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	0	0	0	0	0

9. **Bid:** Software

Purpose of Bid: Provides the Director’s Office with Nearmap vertical offline copy subscription.

Comments: Price is in accordance with City of Durham Sole Source guidelines NC #143-129 (e) (6).

Opened: 11/30/2022

Bidders:

Vendor	Qty	Price	Total Cost
Nearmap Us, Inc. South Jordan, UT	1	\$ 75,000.00	\$ 75,000.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	64	41	23
Technical	0	0	0
Clerical	3	0	3
Labor	0	0	0
Total	67	41	26

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	32	2	4	3	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	32	2	4	3	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native

Project Mgr.	0	0	0	0	0
Professional	20	0	1	2	0
Technical	0	0	0	0	0
Clerical	3	0	0	0	0
Labor	0	0	0	0	0
Total	23	0	1	2	0

10. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2023 Ford F250 super cab 4x4 pickup-short bed 148"WB; 10,000 GVWR; 6.2L V-8 E85 flex fuel gas engine; 6-speed automatic transmission; trailer tow mirrors; as per item #202 on; to include standard contract items and to include City of Durham added options (white exterior).

Comments: NC Sheriff's Association Contract No. #22-08-0913R.

Opened: 11/21/2022

Bidders:

Vendor	Qty	Price	Total Cost
Piedmont Truck Center, Inc. Greensboro, NC	1	\$ 46,664.84	\$ 46,664.84

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	67	66	1
Technical	0	0	0
Clerical	5	0	5
Labor	4	4	0
Total	76	70	6
UBE/SLBE REQUIREMENTS – MALES			

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	56	5	4	0	1
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	2	2	0	0	0
Total	58	7	4	0	1

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	5	0	0	0	0
Labor	0	0	0	0	0
Total	6	0	0	0	0

11. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2023 Toyota highlander XLE SUV, 4DR, FWD, 2.4L 4-cyl. gasoline engine, 8-speed auto transmission, model #6951, as per manufacturer specifications and quote to include all weather floor mats with all-weather cargo mat, ‘Toyoguard’ platinum, rear bumper protector, phone cable charge package, smart LED ambient lighting, paint protection film: hood & door package.

Comments: Multiple quotes obtained.

Opened: 11/21/2022

Bidders:

Vendor	Qty	Price	Total Cost
Fred Anderson Raleigh LLC Raleigh, NC	1	\$ 43,745.00	\$ 43,745.00

Fred Anderson Nissan of Raleigh	1	\$ 44,586.00	\$ 44,586.00
Sport Durst	1	\$ 44,659.00	\$ 44,659.00

Award Based on: Low Bid Other (See Comments)
Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	14	12	2
Technical	0	0	0
Clerical	12	4	8
Labor	176	156	20
Total	202	172	30

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	8	2	2	0	0
Technical	0	0	0	0	0
Clerical	2	1	0	0	1
Labor	84	39	27	6	0
Total	94	42	29	6	1

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0

Clerical	6	1	1	0	0
Labor	8	8	4	0	0
Total	16	9	5	0	0

12. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2023 Toyota 4-Runner, 4-door, 2WD SUV, 4.0L V6 gasoline engine, 5-speed auto transmission with ECT-I, model #8642, as per manufacturer specifications and quote to include all weather floor mats with cargo tray; clear paint protection-full hood package; front dual USB power port charger.

Comments: Multiple quotes obtained.

Opened: 11/21/2022

Bidders:

Vendor	Qty	Price	Total Cost
Modern Imports LLC Winston Salem, NC	1	\$ 38,644.28	\$ 38,644.28
Mark Jacobson Toyota	1	\$ 39,287.00	\$ 39,287.00
Fred Anderson Toyota	1	\$ 44,290.00	\$ 44,290.00

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	62	52	10
Technical	0	0	0
Clerical	20	3	17
Labor	175	170	5
Total	257	225	32

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	44	6	1	1	0
Technical	0	0	0	0	0
Clerical	2	0	1	0	0
Labor	144	12	12	2	0
Total	190	18	14	3	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	7	2	0	1	0
Technical	0	0	0	0	0
Clerical	12	2	2	1	0
Labor	4	0	1	0	0
Total	23	4	3	2	0

13. **Bid:** Equipment

Purpose of Bid: Provides the Fleet Management Department with two (2) Hustler super-Z 72" 35HP mower (model#942888) with semi solid 13x6.50x6 black, bac-vac catcher, and catcher adapter 72".

Comments: Multiple quotes obtained.

Opened: 12/02/2022

Bidders:

Vendor	Qty	Price	Total Cost
Quality Mower & Saw Equip Inc Durham, NC	2	\$ 16,718.20	\$ 33,436.40

Right of Way Equipment Co	2	\$ 16,839.83	\$ 33,679.66
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Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	0	0	0
Technical	0	0	0
Clerical	1	0	1
Labor	10	10	0
Total	11	10	1

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	10	0	0	0	0
Total	10	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0

Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	1	0	0	0	0

14. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2023 Toyota Camry LE sedan, 4-door, 2.5L 4-cyl gasoline engine, 8-speed transmission, model #2532. As per manufacturer specifications and quote to include phone cable charge package and all weather floor mats.

Comments: Multiple quotes obtained.

Opened: 11/21/2022

Bidders:

Vendor	Qty	Price	Total Cost
Modern Imports LLC Winston Salem, NC	1	\$ 24,719.28	\$ 24,719.28
Fred Anderson Toyota	1	\$ 28,733.00	\$ 28,733.00

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	62	52	10
Technical	0	0	0
Clerical	20	3	17
Labor	175	170	5
Total	257	225	32

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	44	6	1	1	0
Technical	0	0	0	0	0
Clerical	2	0	1	0	0
Labor	144	12	12	2	0
Total	190	18	14	3	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	7	2	0	1	0
Technical	0	0	0	0	0
Clerical	12	2	2	1	0
Labor	4	0	1	0	0
Total	23	4	3	2	0

15. **Bid:** Equipment

Purpose of Bid: Provides the Fleet Management Department with two (2) new Hustler 60" x-one 27HP mower (mode l#941856).

Comments: Multiple quotes obtained.

Opened: 12/02/2022

Bidders:

Vendor	Qty	Price	Total Cost
Quality Mower & Saw Equip Inc Durham, NC	2	\$ 11,858.00	\$ 23,716.00
Right of Way Equipment Co	2	\$ 11,862.12	\$ 23,724.24

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	0	0	0
Technical	0	0	0
Clerical	1	0	1
Labor	10	10	0
Total	11	10	1

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	10	0	0	0	0
Total	10	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	1	0	0	0	0

16. **Bid:** Equipment

Purpose of Bid: Provides the Fleet Management Department with a Greenworks 82V 60" zero turn 16KW battery (#GWA3540255) electric mower.

Comments: Multiple quotes obtained.

Opened: 12/02/2022

Bidders:

Vendor	Qty	Price	Total Cost
Quality Equipment, LLC Durham, NC	1	\$ 16,897.00	\$ 16,897.00
Right of Way Equipment Co	1	\$ 17,099.99	\$ 17,099.99

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	0	0	0
Technical	0	0	0
Clerical	1	0	1
Labor	10	10	0
Total	11	10	1

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0

Clerical	0	0	0	0	0
Labor	10	0	0	0	0
Total	10	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	1	0	0	0	0

17. **Bid:** Equipment

Purpose of Bid: Provides the Fleet Management Department with a Hustler 60" x-one 27HP mower (model #941856), added option: semi solid 13x6.50x6 black, bac-vac catcher, and 60" catcher adapter.

Comments: Multiple quotes obtained.

Opened: 12/02/2022

Bidders:

Vendor	Qty	Price	Total Cost
Quality Mower & Saw Equip Inc Durham, NC	1	\$ 14,228.20	\$ 14,228.20
Right of Way Equipment Co	1	\$ 14,342.83	\$ 14,342.83

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	0	0	0
Technical	0	0	0
Clerical	1	0	1
Labor	10	10	0
Total	11	10	1

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	10	0	0	0	0
Total	10	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	1	0	0	0	0

18. **Bid:** Equipment

Purpose of Bid: Provides the Solid Waste Department with five hundred (500) WWCP-05 for counter or under sink 1.3 gal small, metal, for indoor, with charcoal filter - stainless steel kitchen compost bin.

Comments: Price in accordance with bid No. #23-0005. Multiple bids obtained.

Opened: 11/29/2022

Bidders:

Vendor	Qty	Price	Total Cost
Mercaterra Atlantic LLC Georgetown, TX	500	\$ 25.78	\$ 12,890.00
Technology International Inc	500	\$ 35.00	\$ 17,500.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	2	0
Professional	3	2	1
Technical	0	0	0
Clerical	1	0	1
Labor	0	0	0
Total	6	4	2

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0

Labor	0	0	0	0	0
Total	4	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	2	0	0	0	0

19. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with a 2024 Mack GR64FR tandem automated drive chassis spec for dump truck 35-50,000-70,000 GVWR chassis Mack trucks to include standard contract specs and City of Durham specs.

Comments: Price in accordance with NC State Contract No. #070E.

Opened: 11/29/2022

Bidders:

Vendor	Qty	Price	Total Cost
Transource Inc Kernersville, NC	1	\$ 212,975.28	\$ 212,975.28

Award Based on: **Low Bid** **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	7	6	1
Professional	0	0	0
Technical	0	0	0
Clerical	8	5	3
Labor	40	39	1
Total	55	50	5

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	6	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	5	0	0	0	0
Labor	31	3	5	0	0
Total	42	3	5	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	1	0	0	0
Labor	1	0	0	0	0
Total	4	1	0	0	0

SUBJECT: INTERLOCAL AGREEMENT FOR THE DISTRIBUTION OF SALES TAX BETWEEN THE CITY OF DURHAM AND DURHAM COUNTY (ITEM 3/ PR 16062)

MOTION by Council Member Williams, seconded by Council Member Freeman, to ratify by resolution the one-year Interlocal Agreement (ILA) with Durham County for the sharing of sales tax revenue; and

To authorize the City Manager to execute the ILA on behalf of the City was approved at 7:40 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

SUBJECT: BOARDS, COMMITTEES, COMMISSIONS AND TASKFORCE CALENDAR YEAR 2022 ANNUAL ATTENDANCE REPORTS (ITEM 4/ PR 16049)

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive the attendance reports for boards, committees, commissions and taskforces for the period January 1, 2022 through December 31, 2022; and

To authorize the City Clerk to begin the removal process for the members of City of Durham boards, committees, commissions and taskforces who have failed to meet attendance requirements was approved at 7:40 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

SUBJECT: 2022 FOURTH QUARTER CRIME REPORT (ITEM 6/ PR 16058)

MOTION by Council Member Williams, seconded by Council Member Freeman, to receive a presentation on the 2022 Fourth Quarter Crime Report; and

To receive the 2022 Fourth Quarter Crime Report was approved at 7:40 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

SUBJECT: CONSTRUCTION OF A TRAFFIC SIGNAL AT RENAISSANCE PARKWAY AND LEONARDO DRIVE (ITEM 7/ PR 16044)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with LMJ Pavement Marking, LLC in the amount of \$346,627.54 for the installation of a new traffic signal at Renaissance Parkway and Leonardo Drive;

To establish a project contingency fund in the amount of \$51,994.13; and

To authorize the City Manager to negotiate change orders to the project provided the cost of the contract, including all change orders, does not exceed the total contract cost of \$398,621.67 was approved at 7:40 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

SUBJECT: AMENDMENT NO. 4 TO THE HOMELAND AVENUE STREAM RELOCATION PROJECT PROFESSIONAL ENGINEERING SERVICES CONTRACT (ITEM 8/ PR16045)

MOTION by Council Member Williams, seconded by Council Member Freeman, to ratify the executed First, Second, and Third Amendments to the Homeland Avenue Stream Relocation contract with John R. McAdams Company, Incorporated in the amounts of \$20,450, \$13,895, and \$4,500, respectively;

To authorize the City Manager to execute a Fourth Amendment with John R. McAdams Company, Incorporated in an amount not to exceed \$34,255 for a total contract amount of \$169,060;

To establish a contingency fund for the contract with John R. McAdams Company, Incorporated in the amount not to exceed \$10,000; and

To authorize the City Manager to negotiate amendments to the contract provided that the total project cost does not exceed \$179,060 was approved at 7:40 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

SUBJECT: AMENDMENT NO. 3 TO AIKEN AVENUE STREAM RELOCATION PROJECT PROFESSIONAL ENGINEERING SERVICES CONTRACT (ITEM 9/ PR 16045)

MOTION by Council Member Williams, seconded by Council Member Freeman, to ratify the executed First and Second Amendments to the Aiken Avenue Stream Realignment contract with John R. McAdams Company, Incorporated in the amounts of \$21,500 and \$4,500, respectively;

To authorize the City Manager to execute a Third Amendment with John R. McAdams Company, Incorporated in an amount not to exceed \$37,409, for a total contract amount of \$162,569;

To establish a contingency fund for the contract with John R. McAdams Company, Incorporated in the amount not to exceed \$10,000; and

To authorize the City Manager to negotiate amendments to the contract provided that the total project cost does not exceed \$172,569 was approved at 7:40 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

SUBJECT: PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH BROWN AND CALDWELL, INC. FOR THE WESTERN INTAKE PARTNERSHIP ENVIRONMENTAL PERMITTING PROJECT – AMENDMENT NO. 1 (ITEM 10/ PR 16046)

MOTION by Council Member Williams, seconded by Council Member Freeman, to authorize the City Manager to execute a contract amendment to the Western Intake Partnership Environmental Permitting Project with Brown and Caldwell, Inc. for \$1,473,410, for a total, revised contract amount of \$2,244,510;

To establish contingency funds of \$147,340 for the Western Intake Partnership Environmental Permitting Project; and

To authorize the City Manager to negotiate and execute amendments to the contract provided that the total contract cost does not exceed \$2,391,850 was approved at 7:40 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: RESOLUTION ENTITLED "THE FIRST FIRST RESPONDERS RESOLUTION" (ITEM 5/ PR 16066)

Mayor Pro Tempore Middleton pulled Item 5, Resolution entitled the First First Responders Resolution for additional discussion.

Director of Emergency Services 911 Randy Beeman introduced employees from his staff and read their names into the record.

Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members gave the employees a standing ovation and commended their daily efforts in keeping Durham residents safe. The following employees were honored in the Council Chamber:

- Ollie Wall - Supervisor
- Ileana O’Sullivan- Master Communication Officer/Lead Supervisor
- April Silvera-Database Coordinator
- Maureen Mitchell-Supervisor
- Dwayne McIntire- Senior Communication Officer

Fatima Singleton – Training Analyst
Cindy Wilson – retired - training
Simone Perry – retired - training
Renee Pierce – Operations Administrator
Tangela Walker- Assistant Director

MOTION by Council Member Williams, seconded by Council Member Freeman, to adopt the Resolution entitled "The First First Responders Resolution" was approved at 7:40 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

RESOLUTION #10282

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

**SUBJECT: CONSOLIDATED ANNEXATION - CARPENTER FALLS
(ITEM 14/ PR 16055)**

Mayor Pro Tempore Middleton presided over Item 14.

Brooke Roper, City-Counting Planning Department Planner, stated for the record that all the following Planning Department hearing items have been advertised and noticed in accordance with state and local law, and affidavits of all notices are on file in the Planning Department; and gave the staff report.

A request for a utility extension agreement, voluntary annexation and initial zoning map change has been received from Jarrod Edens, of Edens Investments, Inc. for one parcel of land totaling approximately 132 acres and located at 2621 Burton Road. This annexation petition is for a contiguous expansion of the primary corporate limits. The applicant intends to develop the property as a 235 single-family unit conservation subdivision. The properties are currently designated Very Low Density Residential and Recreation and Open Space on the Future Land Use Map. If the proposed zoning is approved, there will be no change to the Future Land Use Map designation of Low Density Residential and Recreation and Open Space.

The applicant is not seeking a change in the underlying zoning district as part of this annexation petition. A direct translational zoning is one in which the existing County zoning is translated to the identical City zoning district upon the annexation of the property into the City. A translational zoning does not include a development plan, and any future development may proceed according to what the zoning would allow. While the current use of the property is vacant, future development under the existing zoning of Residential Rural (RR) allows for agricultural activities, single-family residential development on lots of one acre or greater, and conservation subdivisions. Commercial and industrial development is prohibited in the Residential Rural (RR)

zoning district.

Mayor Pro Tempore Middleton opened the public hearing; and announced there were speakers to the item:

Jarroed Edens, representing Edens Investments Inc., explained the item reflected a 132 acre project consisting of a conservation sub-division at Panther Creek, resulting in two units per acre with conservation district whereby housing comprised 50% of each acre; the developer would include street improvements along Geer and Burton and Carpenter and Cheek; and offered with the Utility Extension Agreement, three finished lots for Habitat for Humanity to build affordable housing units.

Opponents

Rebecca Carpenter, resident, urged the protection of trees and land by city and county governments; and urged both entities to work together.

Ricardo Rodriquez, resident, expressed a desire to know what was going to happen and requested information as he was in the notice area.

Pamela Andrews, resident, asked why there was a rush to approve the project and requested a pause due to the water conditions at Panther Creek.

Thomas Freeman, resident, presented photos of Lick Creek and noted best practices in water conservation were not working.

Donna Stainback, resident, expressed concern about retention ponds not working.

Pam Williams, resident, noted there would be grading on the site and this would increase drainage issues; and urged construction of walking trails and bikepaths since there was no transit nearby.

Rebecca Freeman, resident, urged Council protect agricultural land and preserve farming; and explained that there were 66 acres of buildable acreage on the parcel where the 235 units were expected to be built.

James Chavis, resident, encouraged all to go back to table to discuss the project and reiterated that local residents were concerned about what the developers were going to do.

Robin Barefoot, Attorney, spoke to the Conservation Sub-Division category by stating the category allowed a loop-hole for developers for quick ready land access; and encouraged Council to visit the property to see what was happening and spoke to a list of 12 statutory requirements within the conservation subdivision ordinance that needed to be met and enforced.

Tina Motley-Pearson, resident, referenced another conservation subdivision; expressed concerns at Carpenter Falls about mass grading, blasting and sediment; spoke to Triple Crown Farms, assigned as a conservation sub-division, that was annexed by-right and that developers allegedly were not abiding to the list.

Rebuttal

Mr. Edens noted that a developer had not yet been selected but that his team was looking at a developer who would be building more affordable homes for workforce type housing; explained that wetlands had been identified and that the plans were being designed around them; explained that the geo-tech report determined when/where blasting would occur; and that related to enforcement of conservation subdivisions, developers were required to go down the list with Planning staff.

Council Member Holsey-Hyman requested clarification on what was included in the plan related to affordable housing and density.

Council Member Freeman requested additional information from Ms. Barefoot about how the conservation district was used; then invited Ms. Barefoot to the March 16 sub-committee meeting.

Ms. Barefoot spoke to the original iteration of the conservation sub-division ordinance that was intended on being an exception and that developers could compact their developments while allowing for protection of environmental elements/features. She stated that developers were abusing the category.

Council Member Williams asked the applicant how were proffers financed; and noted that Council demanded amenities without knowing the costs.

Mr. Edens responded that costs were based on per unit basis of the developmental costs; that it was necessary to find builders able to build and that sometimes plans fell through; and confirmed that 50% of the space would remain open with a couple product types being built.

Ms. Andrews responded to the question that was current development causing high turbidity levels by stating 'yes'.

Council Member Williams noted that Falls Lake was constructed in 1981 and that turbidity had been a concern since 1983 and has continued since that time.

Mayor Pro Tempore Middleton announced a break from 9:00. Council resumed their deliberations at 9:10 p.m.

Mayor Pro Tempore Middleton addressed the item; stated that in a democracy, process was deliberative and spoke to Council's role in the process; stated the item represented a direct translation from County to City zoning; did not support a

moratorium of development until the UDO amendments were adopted; and supported the item.

Council Member Caballero asked for clarity around the utility extension agreement in a direct translation; noted black and brown professionals were often purchasing homes in this area; and explained she would support the item.

Director Young stated commitments had been included in UEAs of the past but that it was not common; and that the language would be vetted by the City Attorney's Office.

Council Member Williams stated that Council was required to make tough decisions; confirmed Durham had the most strict water management requirements across the state of North Carolina; and noted that if Council did not act to mitigate growth, then something else would happen on the land that may or may not include affordable housing.

Mayor Pro Tempore Middleton closed the public hearing.

Prior to voting on the first motion, City Attorney Rehberg requested Motion #1 be amended in accordance to the developer's request: To adopt an ordinance annexing Carpenter Falls Subdivision into the City of Durham effective March 31, 2023 and to authorize the City Manager to enter into a utility extension agreement with Edens Investment Inc. with the proviso that Appendix B of the attached UEA be duly amended to add language satisfactory to the City Attorney specifying the following proffer that has been offered by the developer this evening: the donation of three finished lots to Habitat for Humanity as an affordable housing contribution to the City of Durham.

MOTION by Council Member Williams, seconded by Council Member Caballero, to adopt the motion of an ordinance annexing Carpenter Falls Subdivision into the City of Durham effective March 31, 2023 and to authorize the City Manager to enter into a utility extension agreement with Edens Investment Inc. with the proviso that Appendix B of the attached UEA will be amended to add language satisfactory to the City Attorney specifying the following proffer that has been offered by the developer this evening: the donation of three finished lots to Habitat for Humanity as an affordable housing contribution to the City of Durham at 9:26 p.m. **FAILED** by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero and Williams. Noes: Mayor O'Neal and Council Members Freeman and Holsey-Hyman. Excused Absence: Council Member Johnson.

Following the vote, Mayor Pro Tempore Middleton inquired about proffers being accepted during the meeting and asked about the rationale of including the proffer in the motion this evening.

City Attorney Rehberg noted that the amended motion was required due to a lack of a development plan when the project appeared before Council.

Due to the annexation failing, there was no vote taken on the following two motions related to the UDO amendment and Consistency Statement.

No vote taken. To adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Rural (RR), Falls/Jordan District - B (F/J-B), County Jurisdiction and establishing the same as Residential Rural (RR), Falls/Jordan District - B (F/J-B), City Jurisdiction.

No vote taken. To adopt a Consistency Statement as required by NCGS 160D-605.

SUBJECT: CONSOLIDATED ANNEXATION - CRESCENT DRIVE ASSEMBLAGE (ITEM 15/ PR 16054)

Council Member Holsey-Hyman presided over Item 15.

Brooke Roper, City County Planning Planner gave the staff report by stating a request for a utility extension agreement, voluntary annexation and initial zoning map change has been received from Terry Naranjo, of Stewart Inc., for four parcels of land totaling 5.37 acres and located along the intersection of Crescent Drive and Wendell Road. This annexation petition is for a contiguous expansion of the primary corporate limits.

The current zoning is Residential Suburban – 20 (RS-20). For the initial City zoning of this site if annexation is approved, the applicant proposes to change this designation to Residential Compact with a Development Plan (RC(D)), to allow for the construction of up to 107 multifamily units including apartments and a minimum of 15 townhouses. This request, Case Z2200003, received a recommendation of approval from the Planning Commission on November 15, 2022, by a vote of 8-1. The properties are currently designated Design District on the Future Land Use Map. The proposed Residential Compact with a Development Plan zoning is consistent with the designated use shown on the FLUM. If the proposed zoning is approved, there will be no change to the Future Land Use Map designation of Design District.

Council Member Holsey-Hyman declared the public hearing open.

Council Member Holsey-Hyman stated there were speakers to the item.

Andrew Bodewes, representing Park Grove Realty, spoke to the project with 107 multi-family housing units that would include 1, 2, 3 bedroom apartment homes, including a minimum of 15 townhomes; the location was off Farrington Road with access to amenities.

Tim Summerville, representing the applicant from Stewart, spoke in support of the project; and detailed commitments – 15 townhomes and 10-foot-wide multi-use path with streetscape; and improving Wendell Road with curb/gutter and sidewalks; as well as retention for the 100-year storm event.

John Eaddy, spoke in support of the proposed rezoning and noted its proximity to

Durham, Raleigh and area universities; and that it represented a nice transition between the 4-story block buildings and the Park Grove community.

Opponent

Ethan Tyler, resident down road from site, supported building new homes in Durham but had reservations as to what was being built; encouraged the trees be preserved; and expressed concerns about increased traffic and supported mixed use.

Council Member Holsey-Hyman closed the public hearing.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to adopt an ordinance annexing 'Crescent Drive Assemblage' into the City of Durham effective March 31, 2023; and to authorize the City Manager to enter into a utility extension agreement with PG NC Development South, LLC. at 9:40 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

ORDINANCE #16106

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Suburban - 20 (RS-20), Falls/Jordan District - B (F/J-B), Major Transportation Corridor I-40 (MTC I-40), County Jurisdiction and establishing the same as Residential Compact with a Development Plan (RC(D)), Falls/Jordan District - B (F/J-B), Major Transportation Corridor I-40 (MTC I-40), City Jurisdiction at 9:40 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

ORDINANCE #16107

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to adopt a Consistency Statement as required by NCGS 160D-605 at 9:40 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200003 Crescent Drive Assemblage

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2200003, Crescent Drive Assemblage, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'Z2200003, Crescent Drive Assemblage' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment C; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'Z2200003, Crescent Drive Assemblage' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

**SUBJECT: CONSOLIDATED ANNEXATION – FONDCOMBE
(ITEM 16/ PR 16063)**

Council Member Caballero presided over Item 16.

Brooke Roper, City County Planning Planner, gave the staff report and stated a request for a utility extension agreement, voluntary annexation and initial zoning map change has been received from Kade Schemahorn for one parcel of land totaling 0.91 acres and located at 101 Short Street. This annexation petition is for a contiguous expansion of the primary corporate limits. The applicant intends to annex this property to facilitate the construction of one single-family home.

The current zoning is Residential Rural (RR). For the initial City zoning of this site if

annexation is approved, the applicant does not propose to change this designation and build a single-family home. The properties are currently designated Low Density Residential on the Future Land Use Map. If the annexation is approved, staff recommend changing the FLUM designation to Very Low Density Residential.

As part of this annexation petition, the applicant is not seeking a change in the underlying zoning district. A direct translational zoning is one in which the existing County zoning is translated to the identical City zoning district upon the annexation of the property into the City limits. A translational zoning does not include a development plan, and any future development may proceed according to what the zoning would allow. While the current use of the property is a single-family home, future development under the existing zoning of Residential Rural (RR) allows for agricultural activities, single-family residential development on lots of one acre or greater, and conservation subdivisions. Commercial and industrial development is prohibited in the Residential Rural zoning district.

Council Member Caballero declared the public hearing open. Being no speakers to the item, she declared the hearing closed and called for a vote.

MOTION by Council Member Freeman, seconded by Mayor O’Neal, to adopt an ordinance annexing 'Fondcombe' into the City of Durham effective March 31, 2023; and to authorize the City Manager to enter into a utility extension agreement with Kade Schemahorn and Caitlin Sapp at 9:47 p.m. was approved by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

ORDINANCE #16108

MOTION by Council Member Freeman, seconded by Mayor O’Neal, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Rural (RR), Falls/Jordan District B (F/J-B), County Jurisdiction and establishing the same as Residential Rural (RR), Falls/Jordan District B (F/J-B), City Jurisdiction at 9:48 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

ORDINANCE #16109

MOTION by Council Member Freeman, seconded by Council Member Holsey-Hyman, to adopt a Consistency Statement as required by NCGS 160D-605 at 9:48 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING BDG2200028, Fondcombe

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change BDG2200028, Fondcombe, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'BDG2200028, Fondcombe' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment C; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'BDG2200028, Fondcombe' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

**SUBJECT: CONSOLIDATED ANNEXATION - 4109 ENDOR LANE
(ITEM 17/ PR 16053)**

Council Member Caballero presided over Item 17.

Brooke Roper, City County Planning Planner gave the staff report and stated a request for a utility extension agreement, voluntary annexation and initial zoning map change has been received from Modesto Hernandez Aguilar for one parcel of land totaling

0.48 acres and located at 4109 Endor Lane. This annexation petition is for a non-contiguous expansion of the existing corporate limits. The proposed annexation is for one parcel of land to connect to water and sewer services for the development of one single-family house.

As part of this annexation petition, the applicant is not seeking a change in the underlying zoning district. A translational zoning does not include a development plan, and any future development may proceed according to what the zoning would allow. While the current use of the property is undeveloped, future development under the existing zoning of Residential Suburban-20 (RS-20) allows for up to two dwelling units per acre.

Council Member Caballero declared the public hearing open. Being no speakers to the item, she declared the hearing closed and called for a vote.

MOTION by Council Member Freeman, seconded by Mayor O’Neal, to adopt an ordinance annexing '4109 Endor Lane' into the City of Durham effective March 31, 2023; and to authorize the City Manager to enter into a utility extension agreement with Modesto Hernandez Aguilar and Claudia Arias Romero Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

ORDINANCE #16110

MOTION by Council Member Holsey-Hyman, seconded by Council Member Freeman, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential-Suburban-20 (RS-20), Falls/Jordan District - B (F/J-B) County Jurisdiction and establishing the same as Residential Suburban-20 (RS-20), Falls/Jordan District - B (F/J-B), City Jurisdiction at 9:51 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

ORDINANCE #16111

MOTION by Council Member Williams, seconded by Council Member Holsey-Hyman, to adopt a Consistency Statement as required by NCGS 160D-605 at 9:52 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2200005A, 4109 Endor Lane

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2200005A, 4109 Endor Lane, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'BDG2200001, 4109 Endor Lane' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment xxx; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'BDG2200001, 4109 Endor Lane' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT,
SEDIMENTATION AND EROSION CONTROL (ITEM 18/ PR 16056)**

Council Member Freeman presided over Item 18.

Planning Director Sara Young gave the staff report.

Council Member Freeman declared the public hearing open. Being no speakers to the item, she declared the hearing closed and called for a vote.

MOTION by Council Member Holsey-Hyman, seconded by Mayor O’Neal, to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 12, Infrastructure and Public Improvements; and Article 15, Enforcement was approved at 9:56 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

ORDINANCE #16112

MOTION by Council Member Williams, seconded by Council Member Holsey-Hyman, to adopt the appropriate consistency statement as required per NCGS - 160D-605 at 9:56 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman and Williams. Noes: None. Excused Absence: Council Member Johnson.

UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENT CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL REGARDING
TC2200005, SEDIMENTATION AND EROSION CONTROL REVISIONS

Whereas the Durham City Council, upon acting on a text amendment to the *Unified Development Ordinance* and pursuant to NCGS § 160D-605, is required to approve a statement describing how the action is consistent with the *Durham Comprehensive Plan*; and

Whereas the Durham City Council, upon acting on a text amendment to the *Unified Development Ordinance* and pursuant to NCGS § 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment TC2200005, Sedimentation and Erosion Control, is based upon review of, and consistency with, the *Durham Comprehensive Plan*, as provided in the “Background”, “Issues” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated March 6, 2023, regarding the subject “*Unified Development Ordinance* Text Amendment, Sedimentation and Erosion Control (TC2200005),” along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the *Unified Development*

Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the City of Durham as supported in the “Background”, “Issues” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated March 6, 2023, regarding the subject “*Unified Development Ordinance* Text Amendment, Sedimentation and Erosion Control (TC2200005),” along with additional agenda information provided to the City Council and information provided at the public hearing.

Therefore, the amendment is reasonable and in the public interest.

[ADJOURNMENT]

Seeing no additional business to come before Council, Mayor O’Neal adjourned the meeting at 9:56 p.m.

Diana Schreiber, MPA, CMC
City Clerk